

REMARKS

Claims 22-24 stand rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner still maintains that the claim language merely sets forth physical characteristics in the yarn rather than the specific composition or structure that produces the physical characteristics. This is incorrect. The claim specifies that the yarn is an “aliphatic polyester” yarn. Aliphatic polyester is a specific type of composition that makes up the yarn and is used to produce the claimed characteristics. Further, the claim specifies that the yarn is both crimped and multifilament. Stating that the yarn is crimped and multifilament describes the structure of the yarn and again, as described in the specification, both of these attributes contribute to the claimed physical characteristics. Since the specification clearly describes an aliphatic polyester multifilament crimped yarn with the claimed characteristics, this rejection should be withdrawn.

Claims 22-24 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative under 35 USC 103(a) as obvious over WO 00/65140 to Matsunaga. Claims 22-24 also stand rejected under 35 USC 102(e) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over US 2003/1052743 to Matsunaga. These rejections are respectfully traversed.

The Examiner admits that the Matsunaga references fail to disclose yarns with the claimed properties. Nonetheless, the Examiner contends that “[a]lthough the references do not explicitly teach said property limitations, it is reasonable to presume that said limitations are inherent to the disclosed Matsunaga invention.” Applicants respectfully disagree.

Applicants describe a process for producing an aliphatic polyester multifilament crimped yarn with the claimed characteristics made using a two-step drawing process. By using a two-step drawing process, an aliphatic polyester multifilament crimped yarn can be produced possessing the claimed properties.

In comparison, the Matsunaga references disclose only a one-step drawing process. See paragraph [0094] of US 2003/1052743. A drawn yarn produced by a one-step drawing process is hard to crimp and the actualization must occur at a high temperature. This affects the properties of the crimped. Accordingly, Matsunaga does not necessarily produce the claimed aliphatic polyester multifilament crimped yarns.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **360842009710**.

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Respectfully submitted,

By 

Jonathan Bockman

Registration No.: 45,640

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

(703) 760-7769